IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

Con.Case(C).No. 786 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN WPC.2489/2007 Dated 22/01/2007

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PETITIONER :

E.SELVARAJAN, S/O. EBENEEZER,
AGED 43 YEARS, ASHIQUE BHAVAN, ERAVILAPERUKAVU,
VILAVOORKAL PANCHAYAT, THIRUVANANTHAPURAM
DISTRICT.

BY ADV. SRI.G.SUDHEER

RESPONDENTS:

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1. C.S.SREENIVASAN,
AGE AND FATHER'S NAME NOT KNOWN TO THE
PETITIONER, PRESIDENT, VILAVOORKAL GRAMA
PANCHAYAT, THIRUVANANTHAPURAM.

2. RAMACHANDRAN NAIR, S/O. NARAYANAN NAIR,
AGED 29 YEARS, PULLUVILA VEEDU, PERUKAVU,
VILAVOORKAL PANCHAYAT, THIRUVANANTHAPURAM.

3. SHYAMAN, S/O. APPUKUTTAN NAIR,
AGED 28 YEARS, PUTHEN VEEDU, PERUKAVU,
VILAVOORKAL PANCHAYAT, THIRUVANANTHAPURAM.

4. GOPAKUMAR, S/O. SUKUMARAN NAIR,
AGED 48 YEARS, ERAVILLA HOUSE, PERUKAVU,
VILAVOORKAL PANCHAYAT, THIRUVANANTHAPURAM.

BY ADV. SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

C.C.C No. 786 OF 2007

Dated this the 24th day of July, 2007

JUDGMENT

There is no appearance for the respondents who have been served with notice. But as fairly conceded by the learned counsel for the petitioner that Annexure I judgment was served only on the Secretary of the Panchayat and not on the President, the 2nd respondent who though a party to Annexure I was not actually served with a copy of the judgment. Even though there is enough material to hold that it was with the knowledge and connivance of the 2nd respondent also that the compound wall in question was demolished in violation of the directions in Annexure I judgment, I refrain from initiating action under this jurisdiction against the 2nd respondent on the technical reason that he has not been served with notice of the judgment prior to the demolition. However, I permit the petitioner to move the Tribunal which is presently in seisin of the appeal preferred by the petitioner for appropriate mandatory orders regarding restoration of the compound wall. The Contempt Case will stand closed with the above direction. The petitioner can seek appropriate orders from the Tribunal regarding compensation also, if so advised.

PIUS C. KURIAKOSE, JUDGE

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